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DATE: January 9, 2007
FILE NO: ROC920010193US2 (IBMK10194)
TO: MAIL STOP AF
Examiner Joseph E. Avellino
FAX NO: 1-571-273-8300
FROM: Gero G. McClellan / Jon K. Stewart
PAGE(S) with cover: 3

RE:

TITLE: METHOD FOR DETERMINING ON DEMAND RIGHT SIZE BUFFERING
WITHIN A SOCKET SERVER IMPLEMENTATION

U.S. SERIAL NO.: 10/038,008
FILING DATE: January 4, 2002
INVENTOR(S): Bauman et al.
EXAMINER: Joseph E. Avellino
GROUP ART UNIT: 2143
CONFIRMATION NO.: 6602

Attached are the following document(s) for the above-referenced application:

Notice of Appeal (with correct selection box marked)
and
Copy to charge Deposit Account No.: 09-0465 / ROC920010193US2.

CONFIDENTIALITY NOTE

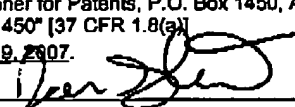
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PTO/SB/31 (04-05)

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| | | | | | | | | | | |
|--|--|--|---|--|---|---------------------------------|--|--|-------------------------|---------------------------------------|
| NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES | | Docket Number (Optional) ROC920010193US2 | | | | | | | | |
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>January 9, 2007</u> .  Signature _____ Typed or printed name <u>Jon K. Stewart</u> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">In re Application of Mark Linus Bauman</td> </tr> <tr> <td style="width: 60%; padding: 2px;">Application Number 10/038,008</td> <td style="padding: 2px;">Filed January 4, 2002</td> </tr> <tr> <td colspan="2" style="padding: 2px;">For METHOD FOR DETERMINING ON DEMAND RIGHT SIZE BUFFERING WITHIN A SOCKET SERVER IMPLEMENTATION</td> </tr> <tr> <td style="padding: 2px;">Art Unit 2143</td> <td style="padding: 2px;">Examiner Joseph E. Avellino</td> </tr> </table> | | In re Application of Mark Linus Bauman | | Application Number 10/038,008 | Filed January 4, 2002 | For METHOD FOR DETERMINING ON DEMAND RIGHT SIZE BUFFERING WITHIN A SOCKET SERVER IMPLEMENTATION | | Art Unit 2143 | Examiner Joseph E. Avellino |
| In re Application of Mark Linus Bauman | | | | | | | | | | |
| Application Number 10/038,008 | Filed January 4, 2002 | | | | | | | | | |
| For METHOD FOR DETERMINING ON DEMAND RIGHT SIZE BUFFERING WITHIN A SOCKET SERVER IMPLEMENTATION | | | | | | | | | | |
| Art Unit 2143 | Examiner Joseph E. Avellino | | | | | | | | | |
| Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner. The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500 | | | | | | | | | | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ <input type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>09-0465 / ROC920010193US2</u> . I have enclosed a duplicate copy of this sheet. <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. | | | | | | | | | | |
| <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44,227</u>. <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____ </td> <td style="width: 50%; vertical-align: top; text-align: center;"> <u>/Gero G. McClellan, Reg. No. 44,227/</u> _____ Signature Gero G. McClellan _____ Typed or printed name 713-623-4844 _____ Telephone number January 9, 2007 _____ Date </td> </tr> </table> | | | I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44,227</u> . <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____ | <u>/Gero G. McClellan, Reg. No. 44,227/</u> _____ Signature Gero G. McClellan _____ Typed or printed name 713-623-4844 _____ Telephone number January 9, 2007 _____ Date | | | | | | |
| I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44,227</u> . <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____ | <u>/Gero G. McClellan, Reg. No. 44,227/</u> _____ Signature Gero G. McClellan _____ Typed or printed name 713-623-4844 _____ Telephone number January 9, 2007 _____ Date | | | | | | | | | |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. | | | | | | | | | | |

☐ *Total of ___ forms are submitted.

This collection of information is required by 37 CFR 41.91. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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